

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, <i>ex rel.</i>)	
STATE ENGINEER, <i>et al.</i>,)	69cv07896 BB
)	Rio Pueblo de Taos
Plaintiffs,)	Adjudication
)	
v.)	69cv7939 BB
)	Rio Hondo Adjudication
EDUARDO ABEYTA, <i>et al.</i>,)	(Consolidated)
and CELSO ARELLANO, <i>et al.</i>,)	
)	Rio Pueblo de Taos Section
Defendants.)	
)	Subfile Nos. 28.5A, 28.5B
)	

**ORDER GRANTING MOTION TO AMEND
DEFAULT ORDER AND ADJUDICATE SUBFILE PRIORITY DATE**

This matter came before the Court on the September 16, 2009, Motion to Amend Default Order and Adjudicate Subfile Priority Date (Doc. No. 5381) filed by the State of New Mexico *ex rel.* State Engineer (“State”). The Motion requests an Order amending the October 8, 1971, Default Order (Order No. 289) to accurately adjudicate the water rights under Subfile Nos. 28.5A and 28.5B by: (1) correcting the irrigated acreage amounts; and (2) adjudicating an 1890 priority date for both subfiles. No responses or objections to the State’s Motion were filed. Accordingly, the Court, having considered the Motion, and being otherwise fully advised in the premises, finds that the Motion is well taken and that is should be GRANTED:

IT IS THEREFORE ORDERED,

1. The October 8, 1971, Default Order (Order No. 289) is hereby amended by vacating Paragraph 13 of the Default Order, and substituting the following paragraph:

13. Moore, Harvey

1. Subfile No.: 28.5A

Purpose: Irrigation
State Engineer File No.: None
Priority: 1890

Point of Diversion: The Harvey Moore Ditch diverts on the south bank of the Baca Canyon within the SE¹/₄ SE¹/₄ SW¹/₄, Sec. 20, T. 25N, R. 15E.

Location and Amount of Acreage:

Part of NW¹/₄, NE¹/₄ Sec. 29, T. 25N, R. 15E¹ 0.8 acres

As shown on the Hydrographic Survey Map for Subfile No. 28.5A attached as *Exhibit A*.

Duty of Water: To be determined by future order of the Court.

2. Subfile No.: 28.5B

Purpose: Irrigation
State Engineer File No.: None
Priority: 1890

Point of Diversion: The Maestas Ditch diverts on the south bank of the Baca Canyon within the NW¹/₄ SE¹/₄ SE¹/₄, Sec. 20, T. 25N, R. 15E.

Location and Amount of Acreage:

Part of SE¹/₄ SW¹/₄, Sec. 20, T. 25N, R. 15E² 3.8 acres

As shown on the Hydrographic Survey Map for Subfile No. 28.5B attached as *Exhibit A*.

Duty of Water: To be determined by future order of the Court.

2. Except as provided in this Order, all other elements of the water rights remain as stated in the October 8, 1971 Default Order (Order No. 289) and subsequent orders of the Court.

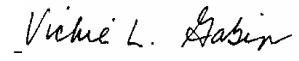
¹ See Order Adopting Location Description Information for Irrigated Acreage filed April 23, 2009 (No. 5237)

² See footnote 1

A handwritten signature in black ink, appearing to read "Bruce D. Black". The signature is fluid and cursive, with the first name "Bruce" and last name "Black" being more prominent than the middle initial "D".

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

A handwritten signature in black ink, appearing to read "Vickie L. Gabin". The signature is cursive and somewhat stylized, with the first name "Vickie" and last name "Gabin" being the most legible parts.

VICKIE L. GABIN
SPECIAL MASTER

NO S.E.O. FILE NO.

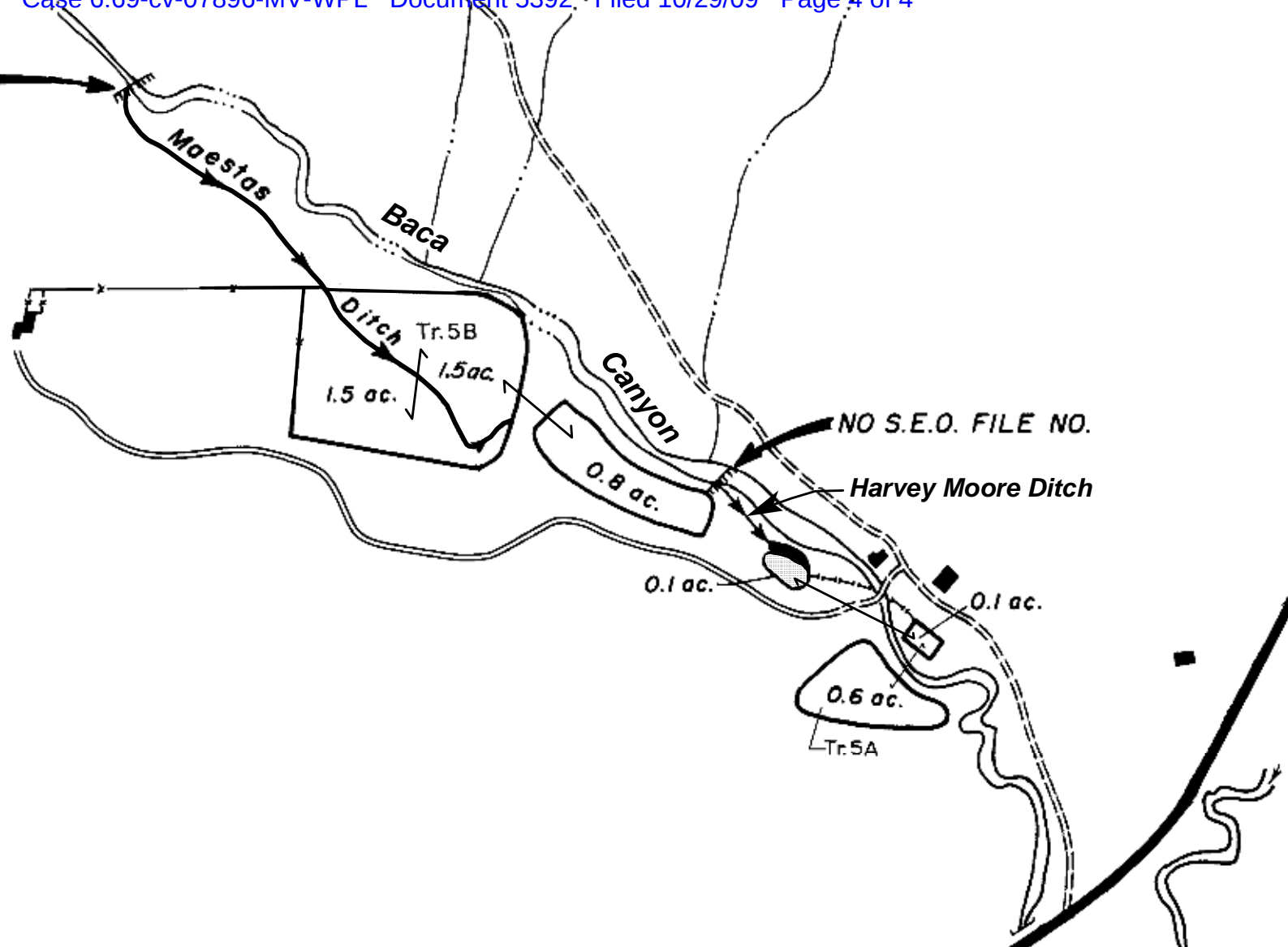




Exhibit A

Legend

-  Area with a Water Right
-  Pond

Map prepared from a portion of Map Sheet 28 of the Rio Pueblo De Taos Hydrographic Survey 1969-2009

Prepared September 2009



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
John R. D'Antonio, Jr., P.E., State Engineer

Subfiles 28.5A & 28.5B

RIO PUEBLO DE TAOS
HYDROGRAPHIC SURVEY
1969-2009